**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**

Crl. Misc. No. 1761-M of 2007

DATE OF DECISION : 23.02.2007

Kuldeep Singh alias Billu Baba

**....** PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Arvinder Singh, Advocate, for
Mr. G.N. Malik, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

This is second petition for regular bail filed by petitioner Kuldeep Singh alias Billu Baba in case FIR No. 106 dated 16.7.2005 under Sections 15/60/61/85 of the NDPS Act, registered at Police Station Raikot, Police District Jagraon, District Ludhiana. His earlier petition was dismissed at that stage on April 28, 2006 and the trial court was also directed to expedite the trial. Now, the petitioner has filed this second petition on the plea that in spite of the direction given by this court, trial is not progressing and till date, not even a single witness has been examined by the prosecution.

I have heard counsel for the parties and gone through the contents of the FIR.

In this case, from two persons, 53.400 Kgs. of poppy husk is alleged to have been recovered. The petitioner was arrested on 24.11.2005 and after his arrest, supplementary challan was filed. Counsel for the respondent-State, on instructions from Dalbir Singh ASI, does not dispute the fact that in this case, till date, not even a single prosecution witness has

been examined and eleven witnesses are to be examined by the prosecution. However, he submits that co-accused Gurmel Singh has filed an application for declaring him as juvenile before the competent court and the same is still pending, because of which trial is not progressing. He further submits that the petitioner is also an accused in another case under the NDPS Act for recovery of 28 Kgs. of poppy husk.

After hearing counsel for the parties and keeping in view the fact that the petitioner is in custody since 24.11.2005 and trial is not likely to conclude soon, as out of 11 prosecution witnesses, not even a single witness has been examined so far, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

**February 23, 2007** **( SATISH KUMAR MITTAL )**
ndj **JUDGE**